IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.120 OF 2006

Vasudeo Jagannath Mhatre .. Appellant.
Vs.
Smt.Jeevubai Pandurang & Anr. .. Respondents.

Mr.K.N.Kore for the appellant.
Ms.Deepa S.Matwankar i/b Mr.D.A.Patil for respondent nos.2, 3, 4/1 to 4/3 and 5 to 13.

CORAM : D.B.BHOSALE, J.
DATED : 20TH FEBRUARY, 2007

P.C.:

. Heard learned counsel for the parties.

2. This second appeal by the plaintiff is directed against the concurrent judgments of the courts below by which his suit seeking declaration that he got exclusive possession of the suit plot, admeasuring 5 gunthas, 50 years ago in the partition and thereby he became owner thereof, stands dismissed. Though the plaintiff's contention, insofar as the ownership is concerned, was rejected by both the courts below, a categoric finding was recorded that he is in possession of the suit house in his capacity as a tenant. Mr.Kore, learned counsel for the appellant-plaintiff took me through few documents annexed to the plaint, namely, the written statement, the order of Sub-Divisional Officer in R.T.S.Appeal

dated 12.12.1985, the order of Tahsildar, Palghar passed in Dispute Register and the statement of Gopal Pandurang Mhatre dated 23.5.1985 to contend that the respondents-defendants have admitted the plaintiffs' ownership over the suit land. I perused all the documents. None of the documents, in my opinion, even remotely suggest that the defendants ever admitted ownership of the plaintiff. I perused the impugned judgment and in particular paragraph 8 of the appeal court's judgment which clearly demonstrate that the courts below appreciated the material/evidence on record in proper perspective and refused to grant the declaration sought by the plaintiff. As a matter of fact on the assessment of the evidence led by the parties the courts below held that the appellants are in possession of the suit house as a tenant. No substantial question of law, in my opinion, is either raised or involved in the instant appeal. Considering that there are concurrent findings recorded by the courts below and as I find sufficient material on record to sustain those findings and considering extremely limited jurisdiction of this court under section 100 of the Code of Civil Procedure to disturb the findings of fact this appeal deserves to be rejected. Order accordingly. Certified copy expedited.

(D.B.Bhosale, J.)